



NCTA

NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

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EX PARTE

June 26, 2003

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: CS Docket No. 98-120; MB Docket No. 03-15

Dear Ms. Dortch:

On June 25, 2003, Daniel Brenner, Michael Schooler, Jill Luckett, Andy Scott and I met with William Johnson, Mary Beth Murphy, Rick Chessen, Eloise Gore, Ron Parver, Steve Broeckaert, Tom Horan and Ben Bartolome to discuss issues raised in the above-captioned proceedings.

NCTA described how cable operators and cable program networks are making significant strides in rolling out high definition digital programming, and distributed the attached material detailing that progress. NCTA also discussed how, as of March 2003, cable operators were carrying the digital programming of 24 different public television stations. That number has increased as of May 15, 2003, to more than 35 different digital public television stations. NCTA also described how cable operators in some cases voluntarily carry PTV's multicast digital services. Attached is a channel line-up from the Comcast system in Arlington, Virginia that illustrates how it carries WETA's multicast channels.

NCTA also argued that the Cable Act does not provide the Commission with authority to grant broadcasters must carry rights for their digital signal prior to their return of the analog spectrum. Moreover, giving broadcasters the right to opt for carriage of their digital signal before the digital transition's end could burden cable operators, programmers and cable customers in the same manner as a dual carriage obligation. And providing digital signals carriage rights would do nothing to accelerate the end of the transition.

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NCTA also argued that the Commission should reject the broadcasters' proposal to require carriage of a digital broadcaster's entire "free" bit stream. NCTA maintained that such a revised rule would unfairly freeze technological developments and is unnecessary to ensure that the broadcasters' digital signals are not "materially degraded."

Respectfully submitted,

/s/ Diane Burstein

Diane Burstein

Attachments

cc: William Johnson
Mary Beth Murphy
Rick Chessen
Eloise Gore
Ron Parver
Steve Broeckaert
Tom Horan
Ben Bartolome